

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARK T. LUJAN and JOLYNN P. PADILLA, as
individuals and on behalf of VALERIE R. LUJAN,
a minor,

Plaintiffs,

vs.

No. CIV 98-0698 JC/DJS

GENERAL MOTORS CORPORATION,
a Delaware corporation,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court upon Defendant's Motion to Dismiss for Lack of Prosecution, filed August 11, 1999 (*Doc. 4*). Plaintiffs have not responded to Defendant's motion to dismiss. Pursuant to D.N.M.LR-Civ. 7.5(b), the failure to serve a response brief in opposition to a motion constitutes consent to grant the motion. Accordingly, Plaintiffs' failure to respond to this motion to dismiss constitutes consent to grant the motion. I, therefore, find that Defendant's Motion to Dismiss for Lack of Prosecution is well taken and should be granted.

Wherefore,

IT IS ORDERED that Defendant's Motion to Dismiss for Lack of Prosecution is **granted**, and this cause is dismissed in its entirety without prejudice.

DATED this 20th day of August, 1999.



CHIEF UNITED STATES DISTRICT JUDGE

Counsel for Plaintiffs: Scott E. Borg
Rosenfelt, Barlow, & Borg, P.A.
Albuquerque, New Mexico

Counsel for Defendant: Alfred L. Green, Jr.
Emily A. Franke
Butt, Thornton, & Baehr
Albuquerque, New Mexico

Grant T. McFarland
Ball & Weed, P.C.
San Antonio, Texas